

Board of Commissioners
March 20, 2007 – 2:30 p.m.

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, and Board Attorney Lueken were present.

Resolution 2007-04

Rininger read the resolution establishing a Community Corrections Advisory Board and a Community Corrections Fund. Logsdon made a motion to sign the resolution. Rininger seconded. All in favor.

Lueken suggested that other counties be contacted to discuss any pitfalls that could be avoided and to discuss any suggestions on best practices to use.

Chrisney Plan Commissions

The Chrisney Town Council asked the Commissioners to make an appointment to the Chrisney Plan Commission. Constance Lynam was recommended by the town council. Logsdon made a motion to appoint Constance Lynam to the Chrisney Plan Commission. Rininger seconded. All in favor.

Chart of Accountability

The chart of accountability was updated listing the person and position in charge of each layer on the GIS mapping system. Logsdon made a motion to approve. Rininger seconded. All in favor.

SRI

Jim Hughes of SRI presented the commissioners with an agreement for SRI to handle the sale of the county's surplus personal property on an internet auction website. He stated the goal is to sell it before you have to move it. Logsdon asked how much local labor is needed. Hughes stated SRI would need a county employee to identify the property to be sold. Logsdon asked about the length of contract. Hughes stated normally it is a one year with automatic renewal each year. Logsdon asked how much commission is paid to SRI. Hughes stated 20 to 25 percent. Logsdon made a motion to sign the contract to sell surplus property using SRI. Rininger seconded. Lueken stated that after looking at the contract, the term is for 3 years. All in favor.

Parks Board

Max Schumacher and John Limp of the Spencer County Parks Board addressed the commissioners. Schumacher stated that originally they were coming to the board to ask for money to repair the roads around the Rockport Park. Three quarters of the park is in the county. Before the road problem could be addressed, drainage problems have come up. Limp stated that the Parks Board has received \$30,000 to put down a rubberized asphalt on the parking lot. They have received a bid to fix the roads around the park, but can not until the drainage problem is addressed. Painter stated he has looked at the area where the ditch should be and it is flat. Limp stated that the rubberized asphalt will be done in May or June, then the rest of the road after that. Painter asked if the Rainy-day fund could be used. Rininger asked that they also contact Metzger to get another bid and come back at another meeting. Limp discussed the widespread use of the park by the county residents. Painter said he will contact the Parks Board when it is dry enough to work on the drainage. Logsdon asked if it would help to build a dry dam. Painter and Holstein stated that they would look at it the next time it is raining.

Johnson Control

Randy Hildenbrand from Johnson Control presented a new contract for the maintenance in the jail. Hildenbrand stated that for the last three years the contracts have been all inclusive, but King requested that the duties be broken out and priced separately with no subcontractors. The new contract would include annual preventive maintenance of the emergency generator, annual cleaning of all return air registers, and annual service of the two domestic water heaters. Fire and Security would be separate. King stated that he can call the vendors when they are needed. Ray Thomas of the Fire and Security division of Johnson Control presented the new contract for fire and security services. It includes all of the services they are currently doing for the county. Logsdon asked if travel was included. Thomas stated it includes everything except repairs and parts; it includes cleaning, testing and inspecting which is required by the fire alarm code. Logsdon asked where the employees are located. Thomas said they have technicians all over the state. King stated the billing needs to be watched because mileage has been charged in the past when the technician was here already for routine maintenance. Logsdon made a motion to table the proposals until the next meeting. Rininger seconded. Sheriff Lindsey stated he wants to make sure the work is

done and everyone is safe; and Hildenbrand knows the jail. Logsdon asked if the jail commander is reporting the problems to King. Lindsey stated there has been confusion between Dillingham, Ameresco, and Johnson Control. Logsdon stated the problems need to be going through King so he can sort out who does what. Rininger asked for a vote on the motion. All in favor.

Malinowski Consulting

Charles Malinowski was present to follow up on the proposal he gave the commissioners at the last meeting. Rininger stated that the fees are very similar between Malinowski and Maximus. Malinowski stated the difference is that Maximus has a contingency clause in their contract which prevents their fee from being reimbursable by the state. Logsdon asked when the contract would need to be signed. Malinowski stated it could be signed anytime between now and July 1, 2008. Clerk Jochim stated that Maximus came to her office a couple years ago to address issues with the prosecutor's office and never addressed anything to do with the clerk's office; Malinowski found \$13,000 that was reimbursable to the county by the state. Jochim further stated that Malinowski is going to show her how to get these funds back from the state in the future. Logsdon made a motion to table this issue until the next meeting. Rininger seconded. All in favor.

Highway Report

Vectren Utility Pole Replacement – Gary Thein reported to the commissioners that since the last meeting Vectren has been busy correcting issues that were addressed. He stated that Boehm has inspected the sites and has come back with a favorable report. Morley and Associates are still working on the Rule 5 plan, but they are doing everything now that is required of the plan even though it is not officially submitted. Logsdon commended Thein for the quick turn around and big improvement. Rininger stated that if he is satisfying Boehm, then he is doing a good job. Painter stated that Vectren has nine culvert permits and seven more have been applied for. Painter asked if bonding was going to be required. Logsdon asked what Painter's recommendation would be. Painter stated that on other projects from here on out, he would recommend bonding, but right now, as long as they agree to fix the road back, they do not need to bond. Rininger stated that if the roads are not bonded, he would prefer to have something in writing. Logsdon stated that the county has been burned in the past. Thein said that it should not be a problem to get an agreement in writing. Rininger thanked Thein for the progress made.

Fence in right-of-way – Painter stated that he received a call from a resident of the subdivision behind Reo Clinic, stating that his neighbor put their fence in the county right-of-way. There is a 40 foot right-of-way in the subdivision. Logsdon stated that the property owner may not even be aware the fence is in the right-of-way. Rininger stated that the right-of-way is for utilities, the county does not maintain the right-of-way. Rininger suggested notifying them that if utility work would need to be done, the fence would have to be moved. Logsdon asked that Painter talk to the owner and report back to the commissioners.

County Road 650 West – The ditch on CR 650 West has been dug out and drains well.

County Road 175 East – Painter stated he has received a request to widen CR 175 East, a dead end street, because it is not wide enough for two cars to pass. The owners are willing to donate the land. Logsdon stated he also spoke with the land owner and told her he would look into it but there is no guarantee. Logsdon asked Painter to work on a plan to see how much it would cost to add an additional lane.

Engineering Report

CEDIT Plan – Holstein stated she will have her CEDIT plan projections when Painter has his ready. She stated a rotation of the CEDIT roads might be necessary.

Bridge Inspections - Holstein stated that she is going to the council meeting to request payment for the bridge inspections.

State Road 231 – As of Monday March 26th the traffic will switch from the North bound lane to the South bound lane.

State Road 68 – On March 22nd SR 68 will be closed. The official detour will be SR 161 to I 64, but an unofficial detour can be requested, and the state will reimburse the county for damage on the road. Logsdon stated only 24 hours are left to make the request. Holstein said she would contact the state. Painter stated the road will be opened back up over the summer and then shut down again in the fall to finish the project.

Orchard Road Project – Holstein stated she would like to wait until the April 2nd meeting to discuss.

Bridge #292 – Holstein showed the commissioners more pictures of the movement made by the abutment. United Bridge Inspectors put together an agreement and contract for services. Holstein stated that the services they have listed and the time frame are not what she would want. Holstein stated that if the commissioners declare this an emergency situation, she can request three proposals and not have to bid the project out. She can then tell each contractor to use the original plans for the bridge design. She further stated to save the bridge the county needs to act quickly. Logsdon asked if the piling will be drilled deeper this time to avoid this happening again. Holstein stated yes, the soils report indicates that it needs to be drilled deeper. Logsdon made a motion to declare an emergency. Rininger seconded. All in favor.

Legal Report

Sale of Electronic Data – Lueken stated he made contact with First American Realty and told them that the commissioners were receptive to the idea of allowing commercial use of the data if the company was willing to sign a hold harmless indemnification agreement and name the county as additional insured on their liability insurance. He sent an agreement to them and it is going to their legal department.

Travel Policy – Deputy Auditor Graham explained that the current policy allows only \$15 per day for parking and most places have raised the daily fee to \$19 per day, so the ordinance was changed to actual cost. Logsdon asked who approves the travel to meetings and classes. Lueken stated that the council has appropriated travel in each offices budget. Rininger stated that the elected official is responsible to determine who should go to what meeting. Logsdon made a motion to approve the Ordinance 2007-01, amending the travel policy. Rininger seconded. All in favor.

Assessor Software Contracts – Lueken stated the errors in the contracts were corrected and now need to be signed. Logsdon made a motion to sign the contracts with AS2 for Scanman and Propman. Rininger seconded. All in favor.

Logsdon made a motion to take a recess for Executive Session. Rininger seconded. All in favor. The meeting was recessed at 4:28 p.m.

Rininger reconvened the meeting at 5:02 p.m.

Logsdon made the following motion:

The Spencer County Board of Commissioners has been greatly concerned about the negative secondary effects from the operation of sexually oriented businesses in the county. Therefore the Board is very pleased that the Spencer Circuit Court has found the county's ordinances to be constitutional and granted a permanent injunction in the county's favor.

The Board extends a sincere thank you to not only all the county officials who cooperated in the enforcement of the county's ordinances, but also many officials from other jurisdictions and private citizens who supported the county's efforts. Your help was invaluable and will still be needed in the days and weeks ahead as the county strives to have its ordinances upheld and applied to all in Spencer County.

Upon the recommendation of the Spencer County Plan Commission and being advised of the current status of the 231 Adult Plaza case, the Spencer County Board of Commissioners directs its legal counsel to:

1. Defend the Judgment of the Spencer Circuit Court upholding the constitutionality of the county's ordinances and granting a permanent injunction, if that Judgment would be appealed.
2. Request an evidentiary hearing before the Spencer Circuit Court on the issue of the applicability of the county's ordinances to the adult motel at the 231 Adult Plaza.
3. Pursue contempt of court action against the defendants in the 231 Adult Plaza case for their continual violation of the Court's permanent injunction against the defendants from operating a sexually oriented business at the main store.
4. Use any other appropriate legal means necessary to enforce the county's ordinances at the 231 Adult Plaza.

Rininger seconded. All in favor.

Logsdon made a motion to adjourn. Rininger seconded. All in favor. The meeting was adjourned at 5:04 p.m.

Board of Commissioners,

_____ President	_____
_____ Attest:	_____
_____ Cindy Shelton, Auditor	_____
